



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for April 16, 2008 to Consider the Annual Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department

MEETING DATE: April 2, 2008

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Set a public hearing for April 16, 2008, to consider the Annual Report for Sidewalk Repairs and to confirm the report as submitted by the Public Works Department.

BACKGROUND INFORMATION: In a continuing effort to improve the City's sidewalk system to encourage walking, improve safety by reducing the number of defects in the sidewalk, and reduce the City's liability exposure and cost, and in accordance with the City's sidewalk maintenance program, on October 3, 2007, the property owners with the 15 worst sidewalk offsets, according to our sidewalk survey, were notified of their responsibility to correct. The total cost estimate for this phase was \$43,987. Some owners took care of the need immediately, some asked for assistance, and three owners did not perform the corrections as needed.

The Curb, Gutter & Sidewalk Maintenance Policy, adopted by Resolution 2005-218 on October 5, 2005, provides three alternatives for the cost of repairs. Those alternatives are: a) City will advance funds for installation or maintenance without interest if the property owner agrees to make payments over the course of 12 months and upon execution of a written payment agreement with the City; b) property owners meeting low-income eligibility per the City's SHARE Program may elect to defer maintenance costs until transfer of ownership with execution of a payment agreement with a fixed interest; or c) the City Manager is authorized to establish procedures to implement this policy and execute payment agreements pertaining to this policy and file liens and assessments with the County Tax Collector and/or Recorder as appropriate to secure payment.

If it became necessary, property owners were given up to three notices over a three-month period. If they did not make the repairs, the City's contractor would repair the sidewalk. Streets and Highway Code Section 5616 requires that a public hearing be held to hear and pass upon the report of cost of repairs and to hear protests which may be raised by property owners.

The following is a list of the 15 properties that received sidewalk repair notifications:

| Street Address | Cost Estimate | Work Accomplished |
|--------------------------|---------------|-----------------------------------------------------------|
| 641 North Pacific Avenue | \$3,067.08 | Property owner hired contractor. Work completed 11/30/07. |
| 1800 Holly Drive | \$4,855.16 | Property owner hired contractor. Work completed 1/22/08. |
| 599 Sandpiper Circle | \$3,422.46 | Property owner hired contractor. Work completed 11/9/07. |

APPROVED: _____

Blair King, City Manager

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| Street Address | Cost Estimate | Work Accomplished |
|-----------------------------|-------------------|-------------------------------------------------------------------------|
| 944 South Crescent Avenue | \$1,639.63 | Property owner hired contractor. Work completed 11/30/07. |
| 1524 West Elm Street | \$5,041.72 | Property owner hired contractor. Work completed 12/15/07. |
| 300 East Pine Street | \$2,679.16 | Property owner hired contractor. Work completed 11/30/07. |
| 309 Westwood Avenue | \$6,635.39 | Property owner hired contractor. Work completed 11/30/07. |
| 1007 Black Diamond Way | \$356.15 | Property owner hired contractor. Work completed 1/16/08. |
| 1015 Black Diamond Way | \$318.45 | Property owner hired contractor. Work completed 2/4/08. |
| 729 Westwood Avenue | \$2,931.19 | Property owner hired City. Work completed 12/5/07. |
| 210 Cross Street | \$1,225.18 | Property owner hired City. Work completed 11/30/08. |
| 1606 South Church Street | \$4,096.70 | Property owner hired City. Work completed 1/18/08. |
| 314 La Setta Drive | \$3,970.71 | Failed to perform. City completed repairs, billed owner 1/15/08. |
| 1518 West Elm Street | \$1,447.28 | Failed to perform. City completed repairs, billed owner 2/12/08. |
| 1512 West Elm Street | \$2,301.15 | Failed to perform. City completed repairs, billed owner 2/12/08. |

Based on previous cases, the Council determined that the collection method for cost of repairs to sidewalks would be to turn a Notice of Lien over to the Tax Collector. It is staff's recommendation that this be continued.

FISCAL IMPACT: Depending on Council's action, \$7,719, which includes the City's administrative time, could be restored to the Street Fund.

FUNDING AVAILABLE: None required.

Richard C. Prima, Jr.
Public Works Director

Prepared by George M. Bradley, Streets and Drainage Manager

RCP/GMB/dsg

cc: Property Owners (1512 West Elm Street, 1518 West Elm Street, 314 La Setta Drive)